

From: Van Tol, Pieter [Pieter.VanTol@LOVELLS.com]
Sent: Wednesday, July 25, 2007 10:31 PM
To: KFeinberg@thefeinberggroup.com; adrjentes@rcn.com; gcraig@wc.com
Cc: Zeballos, Gonzalo; Fried, Lisa; Sills, Robert L.; O'Driscoll, Peter
Subject: RE: Telenor Mobile Communications AS v. Storm LLC

Confidential

Mr. Chairman --

We respectfully submit that Mr. O'Driscoll's request under Article 41.4 of the UNCITRAL Rules is both premature and unwarranted.

First, as Mr. Zeballos noted in his earlier e-mail, we are currently seeking information from our client on the status of the payments. I have been traveling since Monday, which has made communications over the past few days more difficult. As soon as we have any information for the Tribunal, we will advise you immediately. Under the circumstances, there is no need for the draconian measures suggested by Mr. O'Driscoll. Indeed, just two days ago, Mr. Sills left me a voicemail saying that his client would prefer not to pay the outstanding amounts. We suggest that the better course for all parties would be to await information from our client on the status.

Second, Article 41.4 does not even provide the relief that Mr. O'Driscoll seeks. Article 41.4 applies where the tribunal, at the beginning of the arbitration, has made a request for a deposit under the UNCITRAL Rules. Mr. Feinberg's e-mail of July 23, 2007 does not refer to such a request for deposit under Article 41 and instead asks Storm about the anticipated timing of the payments. That is precisely the information we are now seeking. Moreover, even if the July 23 e-mail could be properly construed as a request for deposit, Article 41.4 states that an order permitting the opposing party to make the deposit cannot be made until 30 days after the request has gone unsatisfied. Here, it has only been two days since Mr. Feinberg's e-mail.

Therefore, we respectfully request that the Tribunal deny Mr. O'Driscoll's request.

Regards,

Pieter Van Tol

From: O'Driscoll, Peter [mailto:podriscoll@orrick.com]
Sent: Wed 7/25/2007 4:01 PM
To: KFeinberg@thefeinberggroup.com; adrjentes@rcn.com; gcraig@wc.com
Cc: Van Tol, Pieter; Zeballos, Gonzalo; Fried, Lisa; Sills, Robert L.
Subject: Telenor Mobile Communications AS v. Storm LLC

Dear Chairman Feinberg:

On June 22, you requested that the parties satisfy all outstanding invoices so that the Tribunal could release its final award. Over one month later, on July 23, in response to Telenor Mobile's offer to advance payment of Storm's unpaid invoices, you requested a response from Storm's counsel as to the status of those payments. At the end of that day, Mr. Zeballos sent an e-mail stating that he and his colleagues were seeking information from Storm concerning payment of the fees owing to members of the Tribunal and would revert to the Tribunal as soon as possible. Two days have now passed, with no indication from Storm or its counsel as to when those long

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overdue invoices will be paid. At this point in time, it is difficult to understand the complete absence of payment or information, other than as part of an effort to delay the issuance of the Tribunal's final award. Therefore, in accordance with your e-mail of July 23 and Article 41.4 of the UNCITRAL Arbitration Rules, we would be grateful if you would (a) provide to Mr. Sills and me by e-mail copies of the relevant unpaid invoices in respect of the fees owed to members of the Tribunal, so that Telenor Mobile can effect their prompt payment, and (b) make provision in the Tribunal's final award for Telenor Mobile's recovery from Storm of the amount advanced by Telenor Mobile to settle such invoices.

Respectfully,

Peter O'Driscoll

PETER O'DRISCOLL

Partner

ORRICK, HERRINGTON & SUTCLIFFE
TOWER 42
LEVEL 35
25 OLD BROAD STREET
LONDON EC2N 1HQ

tel +44 20 7422 4639
mobile +44 7767 348 330
fax +44 20 7628 0078
email podriscoll@orrick.com
www.orrick.com

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